

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
RIGOBERTO MUNOZ-MORALES,  
  
Defendant.

NO. CR09-5502RJB

ORDER GRANTING JOINT MOTION  
TO EXTEND TIME TO FILE  
INDICTMENT UNDER SPEEDY TRIAL  
ACT

The Court, having considered the parties' Joint Motion To Extend Time To File  
Indictment Under Speedy Trial Act finds that:

1. Mr. Rigoberto Munoz-Morales charged by Felony Information with Illegal  
Reentry After Deportation, alleged to have occurred on or about June 8, 2009, in violation of  
Title 8, United States Code, Section 1326(a). Defendant was arrested and made his Initial  
Appearance on June 22, 2009, at which time the Court ordered that the defendant be detained  
in custody pending further proceedings.

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed  
within 30 days from the date on which the defendant was arrested or served with a summons  
in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United

1 States must obtain an Indictment in this case on or before August 22, 2009, to meet the  
2 requirements of the Speedy Trial Act.

3 3. The defendant is diligently conducting an investigation into the circumstances  
4 surrounding his situation at the time of his alleged offense. The defendant does not believe  
5 that his investigation will be completed by the expiration of the time to obtain an Indictment.  
6 The defendant believes that the results of its investigation will be essential to preparing his  
7 defense, and may facilitate a resolution of this matter.

8 4. Accordingly, the parties are seeking an Order continuing the time within which  
9 an Indictment must be filed on the ground that the “ends of justice served by taking such  
10 action outweigh the best interest of the public and the defendant in a speedy trial,” as  
11 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(I) and (B)(iv).

12 5. Given that the defense’s investigation remains incomplete, the parties believe  
13 that the failure to grant this extension would deny the defense the reasonable time necessary  
14 for adequate and effective preparation, taking into account the exercise of due diligence. The  
15 parties believe that a denial of a continuance would result in a miscarriage of justice.

16 6. The defendant has executed a Waiver of Speedy Trial waiving rights under the  
17 Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and has  
18 further agreed that the period from August 22, 2009, until October 30, 2009, shall be an  
19 excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(A).

20 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment  
21 be continued to October 30, 2009. The period of delay resulting from this continuance from

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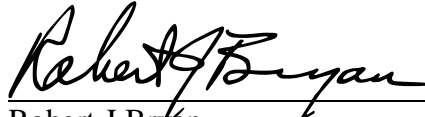
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1 August 22, 2009, to October 30, 2009, is hereby excluded for speedy trial purposes under 18  
2 U.S.C. § 3161(h)(7).

3 DONE this 13<sup>th</sup> day of August, 2009.

4  
5   
6 Robert J Bryan  
7 United States District Judge

8 Presented by:

9  
10 /s/ Jerome Kuh  
11 Jerome Kuh  
12 Attorney for Defendant

13 /s/ Marc A. Perez  
14 Marc A. Perez  
15 Assistant United States Attorney